



Customer No. 26308

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Stinson et al.

Group No.: 3738

Serial No.: 10/615,417

Examiner: Unknown

Filed: 8 July 2003

For: Prostheses, Tools and Methods for Replacement of Natural Facet Joints with Artificial Facet Joint Surfaces

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT BY ATTORNEY THAT APPLICATION FILED IN PTO IS THE  
ONE INVENTOR(S) EXECUTED BY SIGNING DECLARATION**

I, Daniel D. Ryan, Registration No. 29,243, of RYAN KROMHOLZ & MANION (Customer No. 26308), S.C., P.O. Box 26618, Milwaukee, Wisconsin 53226-0618, {(262) 783-1300} state I am an attorney for this application and the application identified above is the application which the inventor(s) executed by signing the declaration which is being submitted herewith.

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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed as follows:  
Mail Stop Missing Parts, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Date 19 November 2003

By Linda S. Wenzel

Linda S. Wenzel  
(Typed Name of Person Signing Paper)



**COMBINED DECLARATION AND POWER OF ATTORNEY**  
 (ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
 CONTINUATION OR CIP)

below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: (*check one applicable item below*)

- original
- design
- supplemental

**NOTE:** If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- national stage of PCT

**NOTE:** If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- divisional
- continuation
- continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

**WARNING:** If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

Prostheses, Tools and Methods for Replacement of

Natural Facet Joints with Artificial Facet Joint Surfaces

**SPECIFICATION IDENTIFICATION**

the specification of which: (*complete (a), (b) or (c)*)

- (a)  is attached hereto.
- (b)  was filed on 8 July 2003 as  Serial No. 10/615,417  
 or  Express Mail No., as Serial No. not yet known \_\_\_\_\_  
 and was amended on \_\_\_\_\_ (if applicable).

**NOTE:** Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

- (c)  was described and claimed in PCT International Application No. \_\_\_\_\_  
 filed on \_\_\_\_\_ and as amended under PCT Article 19 on  
 \_\_\_\_\_ (if any).

## ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

*(also check the following item, if desired)*

[ ] In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

### PRIORITY CLAIM (35 U.S.C. § 119)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

*(complete (d) or (e))*

(d) [x] no such applications have been filed.  
(e) [ ] such applications have been filed as follows.

*NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.*

#### A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. S 119

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			[ ] YES NO [ ]
			[ ] YES NO [ ]
			[ ] YES NO [ ]
			[ ] YES NO [ ]
			[ ] YES NO [ ]

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

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**NOTE:** If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. S 120.

**POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*List name and registration number*)

**Daniel D. Ryan (29,243)**  
**John M. Manion (38,957)**  
**Arnold J. Ericseen (16,879)**  
**Patricia A. Limbach (50,295)**

---

**Joseph A. Kromholz (34,204)**  
**Daniel R. Johnson (46,204)**  
**Laura A. Dable (46,436)**

**Customer No.: 26308**

[ ] Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

---

SEND CORRESPONDENCE TO

Daniel D. Ryan  
**RYAN KROMHOLZ & MANION, S.C.**  
Post Office Box 26618  
Milwaukee, Wisconsin 53226-0618

DIRECT TELEPHONE CALLS TO:



**26308**

PATENT TRADEMARK OFFICE

**Daniel D. Ryan**  
PHONE CALLS  
(262) 783 - 1300

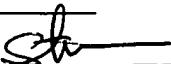
**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

# SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

David (GIVEN NAME)		(MIDDLE INITIAL OR NAME)	Stinson FAMILY (OR LAST NAME)
Inventor's signature			
Date 11/06/03	Country of Citizenship US		
Residence (City, State/Country) Woodinville, Washington / US			
Post Office Address 15009 NE 195th Street			
Woodinville, WA 98072			

[REDACTED]

Full name of second joint inventor, if any

Lawrence (GIVEN NAME)	R. (MIDDLE INITIAL OR NAME)	Jones FAMILY (OR LAST NAME)
Inventor's signature		
Date	Country of Citizenship US	
Residence (City, State/Country) Conifer, Colorado / US		
Post Office Address 11701 Baca Road		
Conifer, CO 80433		

[REDACTED]

Full name of third joint inventor, if any

Robert (GIVEN NAME)	MD (MIDDLE INITIAL OR NAME)	Scribner FAMILY (OR LAST NAME)
Inventor's signature		
Date 11/6/03	Country of Citizenship US	
Residence (City, State/Country) Niwot, Colorado / US		
Post Office Address 7042 Quiet Retreat Road		
Niwot, CO 80503		

[REDACTED]

Full name of fourth joint inventor, if any

Mark (GIVEN NAME)	A. (MIDDLE INITIAL OR NAME)	Reiley FAMILY (OR LAST NAME)
Inventor's signature		
Date	Country of Citizenship US	
Residence (City, State/Country) Piedmont, California / US		
Post Office Address 360 Magnolia Avenue		
Piedmont, CA 94611		

[REDACTED]

Full name of fifth joint inventor, if any

(GIVEN NAME)	(MIDDLE INITIAL OR NAME)	FAMILY (OR LAST NAME)
Inventor's signature		
Date	Country of Citizenship	
Residence (City, State/Country)		
Post Office Address		

## SIGNATURE(S)

*NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.*

Full name of sole or first inventor

David (GIVEN NAME)		(MIDDLE INITIAL OR NAME)	Stinson FAMILY (OR LAST NAME)
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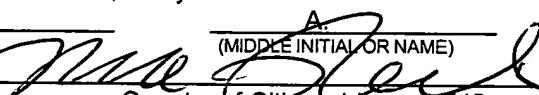
Full name of second joint inventor, if any

Lawrence (GIVEN NAME)	R. (MIDDLE INITIAL OR NAME)	Jones FAMILY (OR LAST NAME)
Inventor's signature		
Date	Country of Citizenship US	
Residence (City, State/Country) Conifer, Colorado / US		
Post Office Address 11701 Baca Road Conifer, CO 80433		

Full name of third joint inventor, if any

Robert (GIVEN NAME)	M. (MIDDLE INITIAL OR NAME)	Scribner FAMILY (OR LAST NAME)
Inventor's signature		
Date 11/6/03	Country of Citizenship US	
Residence (City, State/Country) Niwot, Colorado / US		
Post Office Address 7042 Quiet Retreat Road Niwot, CO 80503		

Full name of fourth joint inventor, if any

Mark (GIVEN NAME)	A. (MIDDLE INITIAL OR NAME)	Reiley FAMILY (OR LAST NAME)
Inventor's signature		
Date 11/11/03	Country of Citizenship US	
Residence (City, State/Country) Piedmont, California / US		
Post Office Address 360 Magnolia Avenue Piedmont, CA 94611		

Full name of fifth joint inventor, if any

(GIVEN NAME)	(MIDDLE INITIAL OR NAME)	FAMILY (OR LAST NAME)
Inventor's signature		
Date	Country of Citizenship	
Residence (City, State/Country)		
Post Office Address		

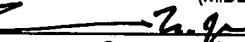
**SIGNATURE(S)**

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Full name of sole or first inventor

David (GIVEN NAME)		(MIDDLE INITIAL OR NAME)	Stinson FAMILY (OR LAST NAME)
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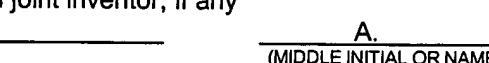
Full name of second joint inventor, if any

Lawrence (GIVEN NAME)		R. (MIDDLE INITIAL OR NAME)	Jones FAMILY (OR LAST NAME)
Inventor's signature 			
Date 11 Nov 2003	Country of Citizenship US		
Residence (City, State/Country) Conifer, Colorado / US			
Post Office Address 11701 Baca Road Conifer, CO 80433			

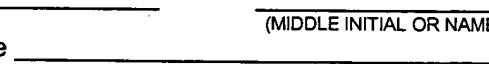
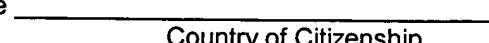
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Inventor's signature 			
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Residence (City, State/Country) Niwot, Colorado / US			
Post Office Address 7042 Quiet Retreat Road Niwot, CO 80503			

Full name of fourth joint inventor, if any

Mark (GIVEN NAME)		A. (MIDDLE INITIAL OR NAME)	Reiley FAMILY (OR LAST NAME)
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Full name of fifth joint inventor, if any

(GIVEN NAME)		(MIDDLE INITIAL OR NAME)	FAMILY (OR LAST NAME)
Inventor's signature 			
Date	Country of Citizenship		
Residence (City, State/Country)			
Post Office Address			

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH  
FORM A PART OF THIS DECLARATION

[ ] Signature for sixth and subsequent joint inventors.

\* \* \*

[ ] Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.

\* \* \*

[ ] Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47.

\* \* \*

[ ] Added page to combined declaration and power of attorney for US Priority Claim

\* \* \*

[ ] Authorization of attorney(s) to accept and follow instructions from representative

\* \* \*

*(If no further pages form a part of this declaration then end this declaration with this page and check the following item:)*

[x] This declaration ends with this page